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UNCLAS SECTION 01 OF 02 YEREVAN 000033

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SENSITIVE

DEPT FOR EUR/CACEN ESIDEREAS, FOR T JCORBETT

E.O. 12958: N/A

TAGS: [PREL](#) [PARM](#) [PGOV](#) [AM](#)

SUBJECT: GOAM PROPOSED TEXT FOR AN "ARTICLE 98" AGREEMENT

1. (U) Sensitive But Unclassified. Not for Internet Distribution.

2. (SBU) The GOAM presented us with a diplomatic note January 8 containing their proposed text for an "Article 98" agreement. We have faxed the full text (including a line by line GOAM explanation of the proposed changes) to the Department for consideration.

3. (SBU) Begin text of the GOAM proposal:

Agreement
between the Republic of Armenia
and
the United States of America
regarding the surrender or extradition of persons committed
genocide, crimes against humanity and war crimes to the
international tribunals

The Republic of Armenia and the United States of America,
hereinafter "the Parties",

Reaffirming the importance of bringing to justice those who
commit genocide, crimes against humanity and war crimes,

Considering that the Parties have each expressed their
intention to evaluate or investigate available information
regarding the facts and, in case of sufficient evidences, to
prosecute the acts of genocide, crimes against humanity and
war crimes alleged to have been committed by their
officials, employees, military personnel or other nationals,

Hereby agree as follows:

Article 1

For purposes of this Agreement:

- a) "persons" are nationals of one Party, including
officials, employees and military personnel sent to the
territory of the other Party by virtue of an international
agreement between Parties;
- b) "genocide, crimes against humanity and war crimes" are
crimes as defined in international treaties and/or national
law of the Parties;
- c) "international tribunals" are international tribunals
established by international treaties.

Article 2

Persons of one Party present in the territory of the other
shall not, absent the expressed consent of the first Party,

- a) be surrendered or transferred by any means to the
international tribunals for any purpose, or
- b) be surrendered or transferred by any means to any other
entity or third State, or expelled to a third State, for the
purpose of surrender to or transfer to the international
jurisdiction.

Article 3

Each Party undertakes that when extraditing the person of
the other Party present on its territory to the third State,
an agreement must be reached with that third State that the
person shall not be re-extradited or transferred to an
international tribunal without prior expressed consent of
the other Party.

Article 4

1. This Agreement may be amended or revised by the mutual
consent of the Parties.

2. Such amendment or revision shall enter into force in the
same manner as provided by the paragraph 1 of the Article 5
of this Agreement.

Article 5

1. This Agreement shall enter into force upon an exchange of notes confirming that each Party has completed the necessary domestic legal requirements to bring the Agreement into force.

3. [sic] This Agreement shall be concluded for a period of three years and shall be extended automatically for one-year periods unless terminated by written notification by one of the Parties at least three months prior to the expiration of each period.

4. The provisions of this Agreement shall continue to apply with respect to any act occurring, or any allegation arising, before the effective date of termination.

Done in on in duplicate each in Armenian and English languages, both texts being equally authentic.
For the Republic of Armenia
For the United States of America

End text.
WALKER